

REMARKS

Claims 1-18 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 6, 9, 10, 16, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Blomquist (U.S. Pat. No. 6,202,478). This rejection is respectfully traversed.

With respect to claim 1, Blomquist does not show, teach, or suggest **selectively** conducting a refueling test that detects a refueling of said vehicle **when** said first leak test detects said leak.

As best understood by Applicant, Blomquist first detects a refueling whether or not a leak is detected in a first leak test. More specifically, Blomquist conducts a refueling test even if no leak is detected. Therefore, Blomquist does not show, teach, or suggest **selectively** conducting a refueling test that detects a refueling of said vehicle **when** said first leak test detects said leak.

A rejection for anticipation under 35 U.S.C. §102(b) requires a showing that “[the reference has e]very element of the claimed invention [] literally present, arranged as in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir.1989). For at least the foregoing reasons, the Examiner has failed to meet the burden under 35 U.S.C. §102(b). Thus, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Claim 10 is allowable for at least similar reasons as claim 1. Therefore, reconsideration and withdrawal of the rejection of claim 10 is respectfully requested.

Finally, since claims 2-9 ultimately depend on claim 1 and claims 11-18 ultimately depend on claim 10, claims 2-9 and 11-18 are allowable for at least similar reasons. Therefore, reconsideration and withdrawal of the rejection of claims 2-9 and 11-18 is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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